

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUMINENT MORTGAGE CAPITAL, INC.; :
MINERVA MORTGAGE FINANCE :
CORPORATION; and MERCURY MORTGAGE :
FINANCE STATUTORY TRUST, : 07 Civ. 9340 (PKC)
:
Plaintiffs, :
v. :
HSBC SECURITIES (USA) INC., :
Defendant. :
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**NOTICE OF MOTION OF
HSBC SECURITIES (USA)
INC. FOR LEAVE TO
AMEND ITS ANSWER AND
COUNTERCLAIMS**

PLEASE TAKE NOTICE that upon the accompanying declaration of Jeffrey A. Rosenthal dated January 30, 2008 (the “Declaration”), the undersigned will move this Court, as soon as counsel may be heard, at the United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, for an order permitting defendant HSBC Securities (USA) Inc. (“HSBC”) to file an Amended Answer and Counterclaims, annexed to the Declaration as Exhibit A.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), papers in opposition shall be served on or before February 13, 2008.

Dated: New York, New York
January 30, 2008

CLEARY GOTTLIEB STEEN & HAMILTON LLP

By: _____/s/
Jeffrey A. Rosenthal
A Member of the Firm

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Attorneys for Defendant and Counterclaim Plaintiff
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To:
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Finance Corporation, and Mercury
Finance Statutory Trust